

TIME RECEIVED  
June 15, 2021 at 3:12:35 PM EDT

REMOTE CALL

DURATION  
58

PAGES  
2

STATUS  
Received

06-15-21 15:09 FROM-

T-340 P0001/0002 F-143

**BURKWIT LAW FIRM, PLLC**  
16 East Main Street, Suite 450  
Rochester, NY 14614  
Phone (585) 546-1588  
Fax (585) 232-2802

All Correspondence to  
Rochester Office  
Email: [Charlie@burkwitlaw.com](mailto:Charlie@burkwitlaw.com)

Branch Office: 680 Ridge Road,  
Webster, NY 14580  
By Appointment Only

Robert L. Burkwit, Esq., Of Counsel

Barbara Peck, Paralegal  
Email: [Barb@burkwitlaw.com](mailto:Barb@burkwitlaw.com)

June 15, 2021

**SENT VIA FACSIMILE - 613-4085**

Honorable Marian W. Payson  
U.S. Magistrate Judge  
2310 U.S. Courthouse  
100 State Street  
Rochester, New York 14614

**RE: Silvon S. Simmons v. Joseph M. Ferrigno, II et al.**  
**Civil Action No: 17 -CV-6176**

Dear Judge Payson:

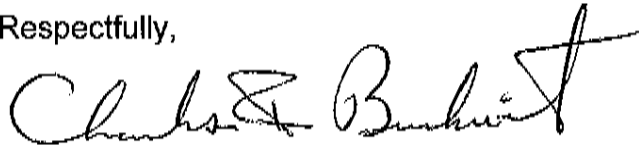
My office is in the process of scheduling the depositions of Defendants Samuel Giancursio, Christopher Muscato, Joseph Ferrigno, II, Michael Ciminelli, non-party Officers Patrick Giancursio, Dylan Minnick, William Wagner, Flamur Zenolovic, Eric Ferguson, Amy Bauer, Stephen Fischer from the Office of Emergency Communications and a City representative with knowledge of the AVLS system regarding storage and retention of RPD vehicle data. Today I received a call from Paul Sanders, Esq., counsel for the Shotspotter Defendants, requesting that I cease using Computer Reporting Service as the stenographer for my depositions. I informed Mr. Sanders that I have always used Computer Reporting Service for depositions and am pleased with the service they have provided in the past and presently on this case. Computer Reporting Service has transcribed every deposition taken so far in this action and I prefer to continue using them. It is my understanding that there is an outstanding billing dispute between Mr. Sanders and Computer Reporting Service and this may be the reason that Mr. Sanders prefers that I stop using Computer Reporting Service and utilize a different court reporter.

I would appreciate if you could provide your immediate input on this issue since we are trying to schedule the remaining depositions prior to the July 19, 2021 discovery deadline and Mr. Sanders will not allow me to use Computer Reporting Service as the court reporter. It is my position that since I am noticing these remaining depositions, I

Page -2-

should be able to utilize whichever court reporter I prefer to transcribe them. Your input will be greatly appreciated by the parties.

Respectfully,



Charles F. Burkwit, Esq.

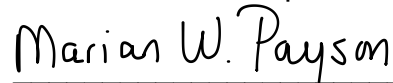
cc: John M. Campolieto, Esq.  
[campolj@cityofrochester.gov](mailto:campolj@cityofrochester.gov)

Paul A. Sanders, Esq. – via email  
[Psanders@barclaydamon.com](mailto:Psanders@barclaydamon.com)

Jordan Trent Jones, Esq. – via email  
[jtjones@kilpatricktownsend.com](mailto:jtjones@kilpatricktownsend.com)

Benjamin M. Kleinman, Esq. – via email  
[bkleinman@kilpatricktownsend.com](mailto:bkleinman@kilpatricktownsend.com)

I agree with Mr. Burkwit that the party taking the deposition is generally permitted to choose the court reporter.



Hon. Marian W. Payson  
United States Magistrate Judge

Dated: June 16, 2021